



PLANNING COMMISSION SYNOPSIS
ACTIONS ONLY

Monday, June 11, 2007

6:30 p.m. Regular Meeting

ROOMS: W-118 / 119 / 120

First Floor, City Hall Wing

200 East Santa Clara Street
San Jose, California

Xavier Campos, Chair
James Zito, Vice-Chair

Christopher Platten Ash Kalra
Randi Kinman
Matt Kamkar Lisa Jensen

Joseph Horwedel, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **Monday, June 11, 2007**. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the Audio-Visual Technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

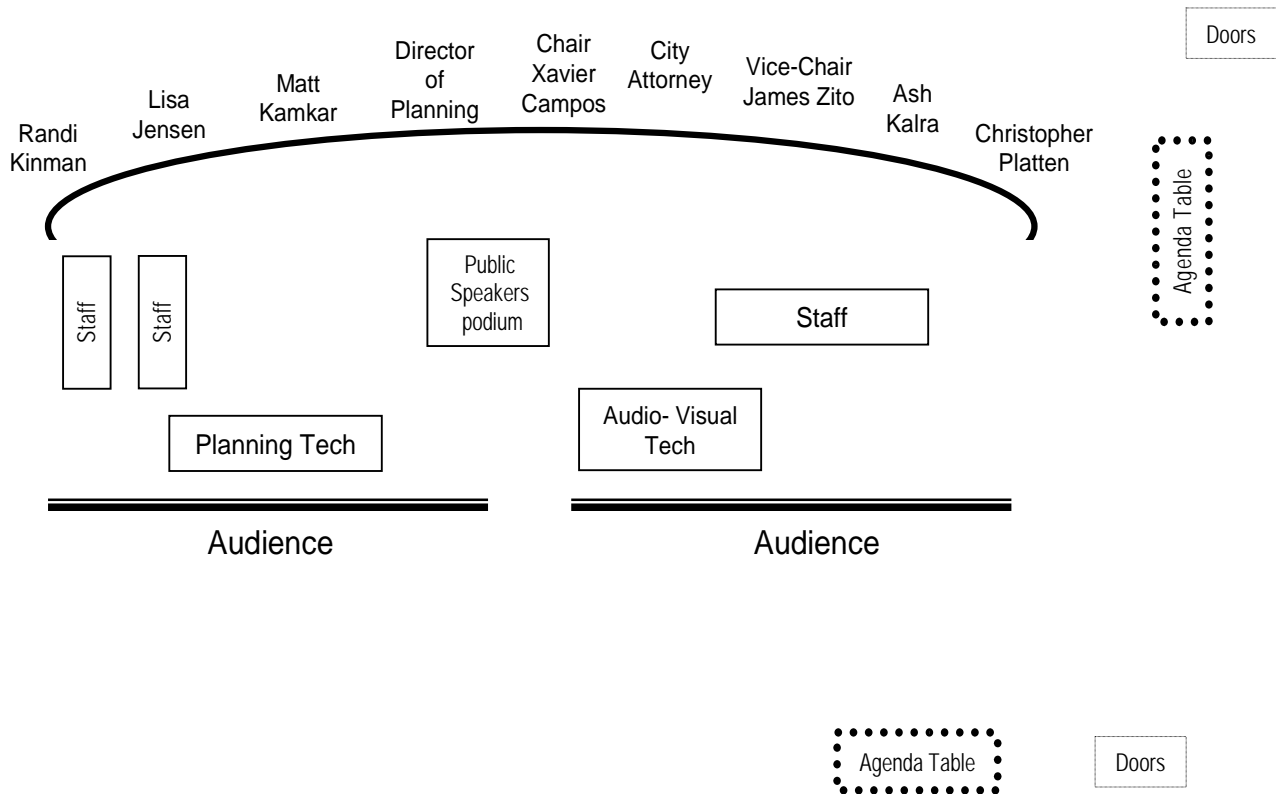
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at www.sanjoseca.gov/planning/hearings/planning_com.asp.

Audio for the Planning Commission hearings are recorded and broadcast live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website:

http://sanjose.granicus.com/ViewPublisher.php?view_id=17#planningCommission.

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

All present except Zito arrived after deferrals at consent and Kamkar arrived after consent in time for item 3.d.

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. Consideration of Planning Commission Agenda management and length of public hearing concerns and determination on whether to proceed with remaining agenda items past 11:00 p.m., continue this hearing to a later date certain, or defer remaining items to the next regularly scheduled Planning Commission meeting date. To be heard by the Planning Commission no later than 11:00 p.m.
- b. **PDC07-004**. Planned Development Rezoning from the R-2 Two Family Residence District to the R-2(PD) Planned Development Zoning District to allow 2 single family detached residences and 1 duplex that currently exist on the project site to facilitate future subdivision. No new construction is proposed, the project site located on the southeast corner of East Hedding Street and North 17th St. (890 North 17th Street) (Louis Bini, owner). Council District 3. SNI: 13th Street. CEQA: Exempt.

DEFER TO 6-27-07 (5-0-2; ZITO AND KAMKAR ABSENT)

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. **PDC06-064**. Planned Development Rezoning from the CG Commercial General Zoning District to the A(PD) Planned Development District to allow approximately 44,000 square foot commercial use (Whole Foods) on a 2.19 gross acres site, located on the Northwest corner of The Alameda and Stockton Avenue (155 STOCKTON AV) (Alameda/Stockton Llc, Owner; Whole Foods Market California, Inc., Developer). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.

RECOMMENDED APPROVAL (6-0-1; KAMKAR ABSENT)

- b. [CP07-012](#). Wireless - Conditional Use Permit to allow a wireless communications monopole and associated ancillary equipment to continue to operate, with no changes proposed, on a 0.10 gross acre site in the CN Neighborhood Commercial Zoning District, approximately 600 feet south of North First Street, midway between Grand Boulevard and Trinity Park Drive (Sainte Claire Corp, Owner). Council District 4. SNI: None. CEQA: Exempt.

APPROVED (6-0-1; KAMKAR ABSENT)

- c. [CPA01-025-01](#). Wireless - Conditional Use Permit Amendment to continue the use of an existing 50-foot monopole, associated wireless communication panel antennas, and 660 square foot equipment shelter on a 3.56 gross acre site in the A Agricultural Zoning District, located at/on westside of Senter Road approximately 400 feet southerly of Capitol Expressway (3195 SENTER RD) (Mr Jerry Harris, Owner). Council District 7. SNI: None. CEQA: Exempt.

APPROVED (6-0-1; KAMKAR ABSENT)

- d. [C07-005](#). Conventional Rezoning from R-2 Two-Family Residence Zoning District to R-M Multiple Residence District on a 0.2 gross acre site, located on the southeast corner of Highway 280 and South 11th Street (868 South 11th Street) (Margarita O. Delgado et al, Tamara Alabastro, Owners; Bruce Williams, Developer). Council District 3. SNI: Spartan/Keyes. CEQA: San Jose 2020 General Plan EIR Resolution No. 65459.

CONTINUED TO 6-27-07 (7-0-0)

The following items are considered individually.

4. PUBLIC HEARINGS

NOTICE TO THE PUBLIC

Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. [An Ordinance of the City of San José](#) establishing a limited pilot program to allow certain restaurants, bars and nightclubs located in an area generally bounded by St. John Street, 4th Street, San Carlos Street, Market Street, San Fernando Street and San Pedro Street, as more precisely described on the pilot program area map, to remain open until 3:00 a.m. for a period of up to 180 days. Council District 3. CEQA: Exempt, PP07-117.

RECOMMENDED APPROVAL (7-0-0)

- b. [CP07-018](#). Conditional Use Permit to allow a poolroom/billiard establishment within an existing commercial center on a 1.72 gross acre site located on the southeast side of Story Road, approximately 300 feet east of Lucretia Avenue (950 Story Road) in the CN-Commercial Neighborhood Zoning District (Vu' S Corporation, Owner). Council District 7. SNI: Tully/Senter. CEQA: Exempt.

APPROVED (4-3-0; CAMPOS, JENSEN AND KINMAN OPPOSED)

- c. [CP06-059](#). Conditional Use Permit to (1) convert 400 square feet of existing space from ancillary automotive use to retail use, (2) construct 328 square feet of new office/storage use; and (3) allow off-sale of alcoholic beverages on a 0.67 gross acre site in the CN Neighborhood Commercial Zoning District, located at the northwest corner of Cahalan Avenue and Santa Teresa Boulevard (6095 CAHALAN AVE) (YBM Inc., Owner). Council District 10. SNI: None. CEQA: Exempt. Deferred from 5-30-07.

APPROVED (4-3-0; CAMPOS, JENSEN AND KALRA OPPOSED)

- d. [FEIR](#). FINAL ENVIRONMENTAL IMPACT REPORT for the HOUSEHOLD HAZARDOUS WASTE FACILITY. Relocation of the household hazardous waste drop-off facility previously located at the City of San Jose's Central Service Yard (1661 Senter Road). Proposed on-site activities consist of collection of household hazardous wastes such as paint, solvents, and motor oil from members of the public approximately eight days per month, and temporary storage of the collected materials in prefabricated storage containers. Proposed site changes include new and relocated storage containers and creation of a driveway. The project site is a currently vacant 1.8-acre portion of a 4.2-acre City-owned parcel located at the corner of Las Plumas Avenue and Nipper Avenue (1608 Las Plumas Avenue). File No.: PP06-100. Council District: 3.

CERTIFIED EIR (5-2-0; CAMPOS AND PLATTEN OPPOSED)

- e. [PDA74-014-01](#). APPEAL of the Planning Director's decision to conditionally approve a Planned Development Amendment to allow the removal of three dying Monterey Pine trees and to erect a new 8 foot tall chain link fence with slats between the sidewalk and the pool area on a 12.3 gross acre site in the R-1-8(PD) Planned Development Zoning District, located on the south side of Roy Ave, 780 ft easterly of Lincoln Av, (Lincoln Village Homeowner's Association, Owner). Council District 6. SNI: None. CEQA: Exempt.

UPHELD APPEAL (7-0-0)

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or

3. Directing staff to place the item on a future agenda.

Jean Marlowe – Expressed concern that Irvine project was not identified as a “larger” neighborhood plan.

Macele – This project should not be rushed through the process.

Eric Kaedding – Mayor should not intervene with Planning Commission business and should not favor developer interest on Irvine project over neighborhood interests..

Rick Lambert – from Irvine Co., needs to fast track project in order to be able to facilitate a larger park.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

None

7. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).

No report.

- Coyote Valley Specific Plan (Platten)

Next meeting on Monday, June 18, 2007.

- Parks Funding Subcommittee (Zito)

See memo (report by Commissioner Zito) dated on June 11, 2007.

- c. Review of synopses from May 2 and May 16, 2007

Approved synopses

- d. Consider study session dates and/or topics
- e. Consider letter forwarding recommendations of the Parks Funding Subcommittee for joint transmittal by the Planning and Parks Commission to the City Council.

Motion to sign letter and forward to City Council (7-0-0).

- f. Consider Council request to conduct a public hearing on Monday, June 18, 2007 (or earlier) at 6:30 p.m. (per June 5, 2007 memorandum from Mayor Reed).

Planning Commission decided not to reconsider Mayor's recommendation to reconsider Irvine project at 6/18/07 instead of 6/27/07. Commissioner Jensen concerned about City Council “forcing” Planning Commissioners to add a hearing due to developer constraints. The Developer did not bring up particular concerns regarding acquisition or options on proximate properties for park at the previous Planning Commission hearing. Planning Commission should continue to be independent. Motion to reconsider failed (1-6-0; Campos, Jensen, Kalra, Kinman, Platten and Zito opposed).

8. ADJOURNMENT

2007 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 31	6:30 p.m.	Regular Meeting	Council Chambers
Mon. February 12	6:30 p.m.	Regular Meeting	Council Chambers
February 28	6:30 p.m.	Regular Meeting	Council Chambers
March 14	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Coyote Valley Specific Plan EIR</i>	
March 14	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
March 28	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Meeting Procedures and Commission Role</i>	
March 28	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
April 11	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Early Public Outreach for General Plan Update</i>	
April 11	6:30 p.m.	Regular Meeting	Council Chambers
April 25	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Level of Service Policy</i>	
April 25	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
May 2	5:00 p.m.	<i>Study Session</i>	T-1654
		<i>Review Capital Improvement Program</i>	
May 2	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
May 16	6:00 p.m.	<i>Study Session</i>	T-332
		<i>Sunshine Reform Task Force Recommendations</i>	
May 16	6:30 p.m.	Regular Meeting	Council Chambers
May 30	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Economic Development/Retail Strategy</i>	
May 30	6:30 p.m.	Regular Meeting	Council Chambers
Mon., June 11	6:30 p.m.	Regular Meeting	W-118 / 119 / 120
June 27	5:00 p.m.	<i>Joint Study Session w/Parks Commission</i>	T-332
		<i>Riparian Corridor issues</i>	
June 27	6:30 p.m.	Regular Meeting	Council Chambers
July 18	6:30 p.m.	Regular Meeting	Council Chambers
August 8	6:30 p.m.	Regular Meeting	Council Chambers
August 22	6:30 p.m.	Regular Meeting	Council Chambers
September 12	6:30 p.m.	Regular Meeting	Council Chambers
September 26	6:30 p.m.	Regular Meeting	Council Chambers
October 10	6:30 p.m.	Regular Meeting	Council Chambers
October 24	6:30 p.m.	Regular Meeting	Council Chambers
November 7	6:30 p.m.	Regular Meeting	Council Chambers
November 14	6:30 p.m.	Regular Meeting	Council Chambers
November 28	6:30 p.m.	Regular Meeting	Council Chambers
December 5	6:30 p.m.	Regular Meeting	Council Chambers